

AMENDED IN SENATE JUNE 18, 2014

AMENDED IN ASSEMBLY MARCH 11, 2014

AMENDED IN ASSEMBLY MARCH 6, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1680**

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**Introduced by Assembly ~~Member~~ Members Wilk and Maienschein**

February 12, 2014

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An act to amend Section 1706 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1680, as amended, Wilk. Child Performer Services Permit.

Existing law prohibits a person, except a person licensed as a talent agent and other specified persons, from representing or providing specified services to artists who are minors, under 18 years of age, unless he or she submits to the Labor Commissioner an application for a Child Performer Services Permit and receives that permit. Existing law requires the Labor Commissioner to maintain a list of all persons holding a valid Child Performer Services Permit issued under the above-described provisions and make this list publicly available on its Internet Web site. Existing law provides for penalties for persons who violate these provisions, enforceable by persons injured, and by specified public entities authorized to seek remedies that include misdemeanor criminal penalties.

This bill would require ~~a~~ *any* person with a valid Child Performer Services Permit to include the permit number on advertising in print or electronic media, including, but not limited to, Internet Web sites, or in any other medium of advertising. By imposing new requirements on

permit recipients, and thereby changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1706 of the Labor Code is amended to  
2 read:

3 1706. (a) (1) No person shall represent or provide specified  
4 services to any artist who is a minor, under 18 years of age, without  
5 first submitting an application to the Labor Commissioner for a  
6 Child Performer Services Permit and receiving that permit.

7 (2) The Labor Commissioner shall set forth a filing fee, to be  
8 paid by the applicant to the commissioner at the time the  
9 application is filed, in an amount sufficient to reimburse the Labor  
10 Commissioner for the costs of the permit program. This amount  
11 shall be in addition to any charge imposed by the Labor  
12 Commissioner pursuant to paragraph (3) of subdivision (c).

13 (3) (A) The Labor Commissioner shall issue a Child Performer  
14 Services Permit to the applicant after he or she has received the  
15 application and filing fee and determined from information  
16 provided by the Department of Justice that the person is not  
17 required to register pursuant to Sections 290 to 290.006, inclusive,  
18 of the Penal Code.

19 (B) After receiving his or her first Child Performer Services  
20 Permit, a person shall on a biennial basis renew his or her  
21 application by resubmitting his or her name and a new filing fee  
22 to the Labor Commissioner in the amount set forth by the Labor  
23 Commissioner pursuant to paragraph (2). The Labor Commissioner  
24 shall issue a renewed permit to the person after receiving his or  
25 her application and filing fee and determining from the subsequent  
26 arrest notification provided by the Department of Justice pursuant  
27 to subparagraph (D) of paragraph (2) of subdivision (c) that the  
28 person is not required to register pursuant to Sections 290 to

1 290.006, inclusive, of the Penal Code. A person shall not be  
2 required to resubmit his or her fingerprints in order to renew his  
3 or her permit.

4 (b) Except for subdivision (f) and Sections 1706.1 to 1706.5,  
5 inclusive, when applied to a violation of subdivision (f), this  
6 chapter does not apply to the following:

7 (1) A person licensed as a talent agent as specified in Chapter  
8 4 (commencing with Section 1700), or operating under the license  
9 of a talent agent.

10 (2) A studio teacher certified by the Labor Commissioner as  
11 defined in Section 11755 of Title 8 of the California Code of  
12 Regulations.

13 (3) A person whose contact with minor children is restricted to  
14 locations where, either by law or regulation, the minor must be  
15 accompanied at all times by a parent or guardian, and the parent  
16 or guardian must be within sight or sound of the minor.

17 (4) A person who has only incidental and occasional contact  
18 with minor children, unless the person works directly with minor  
19 children, has supervision or disciplinary power over minor children,  
20 or receives a fee.

21 (c) (1) Each person required to submit an application to the  
22 Labor Commissioner pursuant to paragraph (1) of subdivision (a)  
23 shall provide to the Department of Justice ~~electronic-fingerprinted~~  
24 *fingerprint* images and related information required by the  
25 department of all permit applicants, for the purposes of obtaining  
26 information as to the existence and content of a record of state or  
27 federal arrests and convictions, including arrests for which the  
28 Department of Justice establishes that the person is free on bail or  
29 on his or her recognizance pending trial or appeal.

30 (2) (A) When received, the Department of Justice shall forward  
31 the fingerprint images and related information described in  
32 paragraph (1) to the Federal Bureau of Investigation and request  
33 a federal summary for criminal history information.

34 (B) (i) The Department of Justice shall review the information  
35 returned from the Federal Bureau of Investigation and compile  
36 and disseminate a response to the Labor Commissioner.

37 (ii) The Department of Justice's response shall provide both  
38 state and federal criminal history information pursuant to paragraph  
39 (1) of subdivision (p) of Section 11105 of the Penal Code.

1 (C) The Labor Commissioner shall request from the Department  
2 of Justice subsequent arrest notification service, as provided  
3 pursuant to Section 11105.2 of the Penal Code, for each person  
4 who submitted fingerprint images and the related information  
5 pursuant to paragraph (1).

6 (3) (A) The Department of Justice shall charge the Labor  
7 Commissioner a fee sufficient to cover the cost of processing the  
8 request described in paragraph (2).

9 (B) In addition to the filing fee paid by the applicant pursuant  
10 to subdivision (a) to reimburse the Labor Commissioner for the  
11 costs of the permit program, the Labor Commissioner may charge  
12 the applicant a fee sufficient to cover the costs of the fee imposed  
13 by the Department of Justice pursuant to subparagraph (A). The  
14 amount of the fee imposed pursuant to this subparagraph shall be  
15 forwarded by the Labor Commissioner to the Department of Justice  
16 with the applicant's name, fingerprints, and other information  
17 described in paragraph (1). This fee shall be available to the  
18 Department of Justice for the purposes described in subparagraph  
19 (A), upon appropriation by the Legislature.

20 (4) Upon receipt of information from the Department of Justice  
21 provided pursuant to subparagraphs (C) and (D) of paragraph (2),  
22 the commissioner shall timely cause a copy of the information to  
23 be sent to the person who has submitted the application, and shall  
24 keep a copy of the information and application on file.

25 (d) The Labor Commissioner shall maintain a list of all persons  
26 holding a valid Child Performer Services Permit issued under this  
27 chapter and make this list publicly available on its Internet Web  
28 site.

29 (e) (1) Upon receipt of a valid Child Performer Services Permit,  
30 the recipient shall post the permit in a conspicuous place in his or  
31 her place of business.

32 (2) ~~Any~~ Any person who is a recipient of a valid Child Performer  
33 Services Permit shall include the permit number on advertising in  
34 print or electronic media, including, but not limited to, Internet  
35 Web sites, or in any other medium of advertising.

36 (f) No person, including a person described in subdivision (b),  
37 who is required to register pursuant to Sections 290 to 290.006,  
38 inclusive, of the Penal Code may represent or provide specified  
39 services to any artist who is a minor.

1 (g) For purposes of this section, the following terms have the  
2 following meanings:

3 (1) “Artist” means a person who is or seeks to become an actor,  
4 actress, model, extra, radio artist, musical artist, musical  
5 organization, director, musical director, writer, cinematographer,  
6 composer, lyricist, arranger, or other person rendering professional  
7 services in motion picture, theatrical, radio, television, Internet,  
8 print media, or other entertainment enterprises or technologies.

9 (2) Except as used in the context of a fee an applicant is required  
10 to pay with his or her application, “fee” means any money or other  
11 valuable consideration paid or promised to be paid by an artist, by  
12 an individual on behalf of an artist, or by a corporation formed on  
13 behalf of an artist for services rendered or to be rendered by any  
14 person conducting the business of representing artists.

15 (3) “Person” means any individual, company, society, firm,  
16 partnership, association, corporation, limited liability company,  
17 trust, or other organization.

18 (4) To “represent or provide specified services to” means to  
19 provide, offer to provide, or advertise or represent as providing,  
20 for a fee one or more of the following services:

21 (A) Photography for use as an artist, including, but not limited  
22 to, still photography, digital photography, and video and film  
23 services.

24 (B) Managing or directing the development or advancement of  
25 the artist’s career as an artist.

26 (C) Career counseling, career consulting, vocational guidance,  
27 aptitude testing, evaluation, or planning, in each case relating to  
28 the preparation of the artist for employment as an artist.

29 (D) Public relations services or publicity, or both, including  
30 arranging personal appearances, developing and distributing press  
31 packets, managing fan mail, designing and maintaining Internet  
32 Web sites, and consulting on media relations.

33 (E) Instruction, evaluation, lessons, coaching, seminars,  
34 workshops, or similar training as an artist, including, but not limited  
35 to, acting, singing, dance, voice, or similar instruction services.

36 (F) A camp for artists, which includes, but is not limited to, a  
37 day camp or overnight camp in which any portion of the camp  
38 includes any services described in subparagraphs (A) to (E),  
39 inclusive.

(h) (1) The Labor Commissioner shall deposit all filing fees described in subdivision (a) into the Child Performer Services Permit Fund, which is hereby created in the State Treasury. The funds deposited in the Child Performer Services Permit Fund shall be available to the Labor Commissioner, upon appropriation by the Legislature, to pay for the costs of administration of the Child Performer Services Permit program and to repay any loan from the Labor Enforcement and Compliance Fund made pursuant to paragraph (2).

(2) Until June 30, 2013, the Labor Commissioner may, on a one-time basis, borrow up to two hundred fifty thousand dollars (\$250,000) from the Labor Enforcement and Compliance Fund, as established by subdivision (e) of Section 62.5, for deposit in the Child Performer Services Permit Fund to cover the one-time startup costs related to the Child Performer Services Permit program. The loan shall be repaid to the Labor Enforcement and Compliance Fund, or any successor fund, as soon as sufficient funds exist in the Child Performer Services Permit Fund to repay the loan without compromising the operations of the permit program.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.